

ARTICLE 67-23

SPECIAL EDUCATION

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| Chapter | |
| 67-23-01 | Comprehensive General Plan Requirements for Special Education Programs |
| 67-23-02 | State Funding for Special Education |
| 67-23-03 | Federal Funding for Special Education |
| 67-23-04 | Special Education Dispute Resolution Options and Appeals |

CHAPTER 67-23-01 COMPREHENSIVE GENERAL PLAN REQUIREMENTS FOR SPECIAL EDUCATION PROGRAMS

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| Section | |
| 67-23-01-01 | Definitions |
| 67-23-01-02 | School District's Comprehensive General Plan Requirements for Education of Students With Disabilities |

67-23-01-01. Definitions. As used in this article, the following definitions apply:

1. "Department" means the department of public instruction.
2. "Free appropriate public education" means special education and related services, described in an individualized education program plan, and provided to children in the least restrictive environment.
3. "IEP" means an individualized education program, identifying the educational service required by the student with disabilities and developed for each student with disabilities by a multidisciplinary team.
4. "Individuals With Disabilities Education Act" or "IDEA" means a federal special education law that requires school districts to provide a free appropriate public education to eligible children with disabilities (20 USC 1400-1420).
5. "Least restrictive environment" means that to the maximum extent appropriate students with disabilities are educated with nondisabled peers and that the setting where students with disabilities are educated is as close as possible to each student's home.
6. "Local education agency" means a school district or multidistrict special education program organized under the auspices of the superintendent which may apply for, receive, administer, and expend state and federal funds for special education.

7. "Multidisciplinary team" means a team of professionals and parents which develops an IEP for a student with disabilities.
8. "Multidistrict special education unit" means that more than one school district organizes for the purposes of planning and coordinating special education and related services.
9. "Nonsectarian" means not affiliated with or restricted to a particular religion.
10. "Organization" includes school districts, multidistrict local education agencies, child care centers, vocational education centers, private or public residential facilities, counties, and nonprofit agencies.
11. "Part B of IDEA" means the Individuals With Disabilities Education Act, Part B. IDEA is federal legislation enacted and amended as Public Law 91-230 and Public Law 105-17 (20 USC 1400-1420). Part B of IDEA is codified at 20 USC 1411-1420.
12. "Related services" means transportation and any developmental, corrective, or supportive services needed to help the student with disabilities benefit from special education.
13. "Resident district" means the school district of residence of the supporting parent.
14. "Special education unit" means single-district special education units or multidistrict special education units.
15. "State" means the state of North Dakota.
16. "Student with disabilities" or "child with disabilities" means a student or child who has reached the third birthday, has not yet reached age twenty-one as of midnight August thirty-first, and who because of mental, physical, emotional, or learning characteristics requires special education and related services designed to meet individual education needs. This definition includes children who are mentally retarded, hard of hearing, deaf, deaf-blind, speech or language impaired, visually impaired, emotionally disturbed, specific learning disabled, orthopedically impaired, other health impaired, autistic, or traumatic brain injured or who have multiple disabilities.
17. "Superintendent" means the superintendent of public instruction.

History: Effective February 1, 2000.

General Authority: NDCC 15-59-05

Law Implemented: NDCC 15-59-05; 20 USC 1400-1419

67-23-01-02. School district's comprehensive general plan requirements for education of students with disabilities. Each school district in the state shall have a comprehensive general plan for the education of students with disabilities between the ages of three and twenty-one who reside in that district. The plan must:

1. Be filed with the superintendent of public instruction; and
2. Describe the multidistrict special education unit organizational and services plan or the organization of services for a single-district special education unit, including:
 - a. Description of the organization, including participating school districts in multidistrict special education units;
 - b. Structure and organization of the board;
 - c. Powers and duties of the board;
 - d. Monetary policies including fiscal management and method of apportioning administrative and program costs;
 - e. Procedures for withdrawing from or joining a multidistrict unit, not including single district units;
 - f. Services description;
 - g. Unit or district policies and procedures for implementing the provisions of state law and the Individuals With Disabilities Education Act; and
 - h. Letters of agreement from participating school districts, not including single-district units.

History: Effective February 1, 2000.

General Authority: NDCC 15-59-04, 15-59-05, 15-59.2-01

Law Implemented: NDCC 15-59-05, 15-59.2-01, 15-59.2-02, 15-59.2-05; 20 USC 1400-1419